

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROGER SLOBOTSKI,

8:10CV190

Plaintiff,

V.

MEMORANDUM AND ORDER

PRICE GREGORY

CONSTRUCTION, Inc.,

Defendant.

This matter is before the court on Plaintiff's Oral Motion to Dismiss, which the court liberally construes as a Motion for Voluntary Dismissal filed pursuant to [Federal Rule of Civil Procedure 41](#). (Filing No. [32](#).) The court has listened to the audio recording of Plaintiff's oral motion, taken before Magistrate Judge Cheryl R. Zwart on March 8, 2011, and notes that Plaintiff requests that the court dismiss this matter because he is homeless and unable to proceed. (Filing No. [34](#).) Defendant has not objected to the Motion and the time in which to do so has now passed. Plaintiff's Motion is therefore granted and Plaintiff's claims are dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss, construed as a Motion for Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41 (filing no. 32) is granted. Plaintiff's claims are dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 4th day of April, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

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